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Chairman: Mr. Ball ..... (New Zealand)

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98-82330 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/53/12 and Add.1, A/53/325, A/53/328, A/53/413, A/53/486 and A/53/494)

1. **Mr. Nuanthasing** (Lao People's Democratic Republic) said that, following the return to their homeland of 27,658 Lao refugees from Thailand and 3,076 from China, the final stage of the voluntary repatriation programme for Lao refugees abroad had begun under the auspices of the Office of the United Nations High Commissioner for Refugees (UNHCR). His Government fervently hoped that the programme would soon come to an end. However, some 1,300 Lao refugees still remained in Ban Napho camp in Thailand, and he wished to reaffirm his Government's policy that the repatriation of that last group of refugees should also be voluntary.

2. Implementation of voluntary repatriation programmes in various parts of the world should be viewed as a package. While it was right to welcome refugees back to their home country, reintegrating them into national life and engaging them in sustainable development was another, extremely difficult task. For it to succeed, appropriate assistance from the international community was greatly needed. In that connection he welcomed the establishment of the Reintegration and Self-Reliance Unit within the Programme and Technical Support Section of UNHCR. It was to be hoped that with that Unit, voluntary repatriation might prove to be a durable solution to refugee situations throughout the world.

3. **Mr. Yange** (Democratic Republic of Congo) said that his delegation fully endorsed the statement made by Mozambique on behalf of the Southern African Development Community (SADC) commending the objectivity of the High Commissioner's report as well as her accurate assessment of the situation in the Great Lakes region. He wished to reaffirm his country's respect for, and fulfilment of, its commitments under the international legal instruments to which it was a party, as well as its commitment to continue to serve as a country of asylum.

4. Although his country had found it necessary in 1997 to take steps that had led UNHCR temporarily to suspend its activity there, that had been due solely to the friction that had developed between the indigenous population and the refugees, a situation compounded to a large extent by the refusal of the latter to adapt to their new surroundings and also by rising crime, coupled with socio-economic difficulties. The recent signing of a protocol of cooperation between his Government and UNHCR augured well for improved relations and strengthened the determination of the Congolese authorities to settle the problem posed by the presence of refugees in the country in a dignified, reasonable and definitive manner.

5. Nevertheless, his delegation wished to suggest some ways of enhancing the impact of UNHCR assistance activities. Despite the Office's financial crisis, emergency and repatriation operations remained a priority in the Great Lakes region, where instability continued to threaten not only Africa but humanity as a whole. He asked what steps UNHCR planned to take to meet the concerns raised in the High Commissioner's report regarding the adverse impact on the Great Lakes region and several other African countries of the dispersal of Rwandan refugees who refused to return home. The situation was worsening in the eastern part of the country, and there was reason to fear for the safety of the refugees, as it was unlikely that UNHCR would be able to repatriate them, much less grant them the international protection they needed.

6. While it was true that UNHCR was dealing with some 8 million refugees, returnees and persons receiving humanitarian assistance, the precarious living conditions of internally displaced persons had not been considered as thoroughly as some of the States concerned would have liked. His country, for instance, faced not only the problems posed by the presence of refugees in its territory, but also those posed by the ever-growing number of Congolese who were displaced within their own country owing to the war of aggression on its eastern borders. There was no mention of those internally displaced Congolese in the statistics in the report. Yet, as was the case wherever armed conflicts occurred, the vast majority of the displaced were women, old people, children and adolescents, many of whom were subjected to sexual violence and other abuse by the occupying forces. The immediate availability of funds would enable UNHCR, as hostilities were brought to an end, to undertake such assistance activities as the resettlement of the internally displaced, the restoration of community facilities and the rehabilitation of the main roads linking urban centres and the interior.

7. **Mr. Chkheidze** (Georgia) said that, as a result of the six-year conflict in Abkhazia, Georgia, the number of refugees and displaced persons from the region exceeded 300,000. Their social conditions were unspeakable. Despite the presence of the United Nations Observer Mission in Georgia (UNOMIG) and Commonwealth of Independent States (CIS) peacekeepers, the returnees had to endure

ongoing violence. In May 1998, the armed separatists had carried out yet another punitive operation, as a result of which the returnees had again become refugees and their houses had been destroyed.

8. Protection of the returnees' rights depended largely on the intensity of UNOMIG functioning. It was in the separatists' interest to obstruct the return of the refugees and displaced persons, which was why the international observers were also threatened; their safety should be protected.

9. In considering the problem of refugees and internally displaced persons, the focus should be on economic mechanisms. The activities of the United Nations Development Programme (UNDP) in the region of South Ossetia were truly remarkable: by implementing economic projects, UNDP had succeeded in building a bridge between conflicting parties. The return of refugees to the region had thus taken on a permanent character, and it was unfortunate that the lack of resources hampered the further effective functioning of UNDP and that the only option seemed to be the holding of a special conference of donor countries. Significant economic projects had also been developed for Abkhazia, Georgia, but their implementation was impeded by the destructive position of the Abkhaz side with regard to the key issues of the conflict.

10. It was important to consider strengthening the rights of the returnees since the area of repatriation was still controlled by separatists. In addition to citizenship, the returnees needed to be given provisional status by an international organization, as the lack of such status led to violence and casualties. A mechanism should also be defined to protect the property of the displaced.

11. **Mr. Goa** (Guinea) noted that his country shared a border with six other West African nations, three of which had undergone conflicts, and had been gravely affected by those crises. Guinea had taken in thousands of refugees, about one tenth of its population. The regions affected by their presence were made up largely of farmland and forests. The influx continued to pose new economic, financial, social, environmental and security challenges.

12. With United Nations support, his Government had set up an assistance programme for Liberian and Sierra Leonean refugees which had subsequently been replaced by the National Refugee Coordination Bureau, whose regional offices functioned as decentralized bodies in the areas most affected by the presence of refugees. A National Committee for Hospitality and Solidarity had been proposed to coordinate assistance, emergency management, post-emergency operations and rehabilitation.

13. With the restoration of peace in Liberia, the return to constitutional rule in Sierra Leone and the launching of negotiations in Guinea-Bissau, it was crucial to strengthen peace and security in the subregion if the objectives of sustainable development were to be realized. Concerted action on the part of the international community was needed. In view of the shortage of resources and the continuing instability in the region, particularly in the implementation of refugee programmes, the provision of adequate protection and assistance should constitute both a priority objective and an ongoing challenge for the international community.

14. **Ms. Fritsche** (Liechtenstein) said that UNHCR, unique in the universality of its mission but hobbled by a scarcity of funds, needed financial contributions and political support. Such contributions were merited in view of the Office's recent efforts to improve its performance.

15. The frequent violation of principles of refugee and humanitarian law, such as non-refoulement, was a matter of concern, and the legal aspects of the growing problem of internally displaced persons deserved the attention being given them by the representative of the Secretary-General on that topic.

16. It was crucial that UNHCR and the other agencies concerned should be enabled to respond quickly to crises. More emphasis should be placed on preventing large-scale displacements of persons both within countries and across borders by addressing the root causes of displacement, which were often found in massive human rights violations. The recent signing of a memorandum of understanding by UNHCR and the Organization for Security and Cooperation in Europe (OSCE) regarding cooperation in Kosovo was a welcome step in that direction.

17. Special protection should be accorded to those most often and most severely affected by displacement. Women and children not only constituted a majority of displaced persons worldwide but were also most likely to suffer disproportionately from its consequences. The situation of displaced women had rightly been singled out in the agreed conclusions on women in armed conflict elaborated by the Commission on the Status of Women and endorsed by the Economic and Social Council. The Special Representative of the Secretary-General for children in armed conflict had also been doing commendable work, and she welcomed the emphasis he and the High Commissioner for Refugees had placed on post-conflict situations.

18. The United Nations must address the safety of humanitarian personnel decisively, for it had deteriorated to a point that threatened the very existence of field operations.

Attacks on humanitarian personnel had properly been included as war crimes in the Statute of the International Criminal Court. The Secretary-General's report on the matter (S/1998/883) would provide a solid basis for future discussions.

19. **Mr. Gubarevich** (Belarus) said that the problem of mass population displacements continued to pose a challenge to the international community. The capacity of the United Nations to provide assistance to refugees, returnees and displaced persons must be strengthened, and he therefore welcomed the decision taken by the General Assembly in its resolution 52/104 to continue the Office of the United Nations High Commissioner for Refugees for a further five-year period.

20. Migratory flows within the territory of the former Soviet Union remained a cause for concern among the States members of the Commonwealth of Independent States (CIS). Their efforts to regulate those flows were based on the recommendations of the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States. At the June 1998 meeting of the Steering Group which reviewed the implementation of those recommendations, it had been agreed that significant progress had been achieved in a number of areas, including institutional capacity-building and legislative frameworks, but there remained a need for additional international support.

21. In April 1998, his Government had adopted a national migration programme aimed at regulating migratory flows. The programme was guided by the principles of respect for human rights and fundamental freedoms; inadmissibility of discrimination against migrants and refugees on grounds of race, national or social origin, gender, religion, language or political opinion; refugee participation in resettlement initiatives; and observance of the norms of international law with respect to the granting of asylum or refugee status to foreign nationals. He noted in that connection that approximately 60 foreign nationals had recently been granted refugee status in Belarus.

22. Migration problems could not be regarded as internal matters to be dealt with by individual States. The current situation in Belarus, for example, was the outcome of political, socio-economic and other processes taking place in a number of CIS countries as well as in South-East Asia and Africa. The solution lay in greater cooperation with the relevant international organizations, particularly UNHCR, so that States could learn from international experience, receive practical help and secure additional financial resources. Belarus had benefitted from the presence of a UNHCR Office, which was providing humanitarian assistance and building the capacity of the State structures dealing with refugee issues, and his Government welcomed its commitment to the implementation of the Joint Operational Strategy for UNHCR and the International Organization for Migration (IOM) approved at the Regional Conference.

23. **Ms. Odera** (Kenya) said that the disturbing presence of armed elements in refugee camps added to the plight of refugees and was making it difficult to reintegrate former combatants. That was a major obstacle to conflict management and the peace process, especially where refugees were still politically and militarily active. Approaches to refugee problems should also focus on conflict prevention and peacemaking and post-conflict peace-building.

24. Leaders in her subregion had devoted considerable effort to peace initiatives for Somalia, Southern Sudan and the Great Lakes region. The problem of Somalia in particular would not be solved until the people of that country demonstrated a greater commitment to achieving a durable peace.

25. For any humanitarian effort to be successful, a balance had to be struck between the principles of international solidarity and State responsibility. International agencies could provide resources to repatriate or resettle refugees, decommission weapons or organize elections, but those commendable actions would have their full impact only if accompanied by the willingness of national leaders to promote institutions and build capacities that would ensure that refugee-generating disputes did not recur. Successful conflict prevention and resolution required the promotion of human rights, democracy and good governance, and respect for the rule of law.

26. The multidimensional nature of situations that gave rise to refugees called for multidimensional solutions. Political, humanitarian and civilian efforts on the part of regional organizations, Governments, United Nations agencies and non-governmental organizations must be combined to mitigate the plight of refugees. To achieve the right mix, effective coordination was very important. The cooperation between IOM and UNHCR and the ongoing development of an integrated, system-wide United Nations strategy towards repatriation and reintegration were to be welcomed in that regard.

27. Kenya, host to about 200,000 refugees, had learned from experience that it was important to preserve the civilian

character of refugee camps, for the small arms that proliferated along with refugee movements easily fell into the hands of criminal elements. UNHCR had given her Government valuable assistance in that regard by offering training, education and logistical and material support. All the international agencies and non-governmental organizations working in the field deserved commendation as they collectively protected and identified the needs of the voiceless.

28. **Ms. Vadiati** (Islamic Republic of Iran) said that, despite a distinct decline in the number and scale of the conflicts that spawned refugees, the refugee problem the question of refugees remained a major international concern, particularly to the developing countries, which were hosting 75 per cent of the world's refugees. Her own country, for instance, had for almost two decades hosted one of the largest refugee populations in the world, currently down to about 2 million refugees. It was proud to have provided that huge population with shelter, food, sanitation, education, health care and other basic requirements, and to have paid special attention to the needs of women, children and other vulnerable groups. Needless to say, that had represented a heavy burden on the Iranian economy, estimated at $1.5 billion annually, not to speak of the social and cultural costs that, while not quantifiable, were no less exacting. The ongoing crises in neighbouring countries, particularly Afghanistan, had further complicated the situation, reversing the process of repatriation of Afghan refugees and prompting new influxes of Afghan asylum-seekers. It was obvious that the international community should help to shoulder part of those burdens.

29. UNHCR must develop its institutional capacity to manage voluntary repatriation, one of the genuine viable refugee situations, and to ensure the full reintegration of returnees by continuing its efforts to promote self-reliance, through such means as microfinancing schemes. In addition to those long-term solutions, the only other adequate response was genuine burden-sharing by the entire international community: host countries should not be left to pay the high social, economic and even cultural and political cost of influxes of refugees by themselves.

30. The Islamic Republic was concerned about the growing trend in many Western countries towards restrictive refugee policies, in such forms as narrow legal interpretations of refugee status or practical interdictions. The responsibility of all nations to grant entry and status to refugees should not be held hostage to domestic political exigencies. Restrictive refugee and asylum policies violated human rights and fundamental principles of international law.

31. **Mr. Abelian** (Armenia) said that, despite the increasing trend towards repatriation over the past two years, there had been only a slight decrease in the overall number of refugees and internally displaced persons. Currently, there were some 21 million persons of concern to UNHCR, which represented a major challenge for the international community. Moreover, while there had been a reduction in the number of refugee-producing conflicts in the past years, the potential for large-scale displacement remained in some regions, requiring more proactive and innovative approaches, with particular emphasis on preventive measures. While the primary responsibility for refugee protection lay with host countries, many States lacked the economic and social infrastructure to cope with sudden large influxes. International solidarity and burden-sharing were therefore vital, and he welcomed the debate on that theme at the forty-ninth session of the Executive Committee of the High Commissioner's Programme.

32. During the period 1988–1998, huge numbers of refugees had fled to Armenia from Azerbaijan and Nagorny-Karabakh. The heavy burden of hosting them had been exacerbated by the devastating consequences of the 1988 earthquake and the blockade of Armenia's main communication routes by Azerbaijan. His Government saw repatriation and local resettlement as the preferred solutions for refugees. It had adopted a law on citizenship granting refugees the right to acquire Armenian nationality with a view to promoting their integration in society. It was also implementing various assistance programmes, but the scale of the challenge far exceeded available human, technical and financial resources. There was an urgent need for international cooperation, which had been emphasized in the Programme of Action adopted at the Regional Conference held in Geneva in 1996. His delegation welcomed the active involvement of UNHCR in the follow-up to that Conference and appreciated its valuable work in Armenia as well as the generous assistance provided by individual States, international organizations and a number of non-governmental organizations. It was regrettable that the erosion of respect for humanitarian law in recent years had undermined the security of the humanitarian personnel working directly with refugees.

33. In order to find lasting solutions to the problem of refugees, it was necessary to address the root causes. The promotion of tolerance and respect for the rights of minorities were crucial in that regard.

34. **Ms. Sinegiorgis** (Ethiopia) commended the Secretary-General for his reports on assistance to refugees, returnees and displaced persons in Africa (A/53/328) and assistance to unoccupied refugee minors (A/53/325). Her delegation

had noted with concern that children and young people under the age of 18 constituted more than half of the world's refugee population. It was incumbent upon the international community to support the commendable efforts of UNHCR to assist that category of refugees.

35. Developing countries, particularly in Africa, were the point of origin, as well as the destination, of the overwhelming majority of the world's refugees. Sudden influxes of refugees in short periods placed an additional strain on already beleaguered economies and had an adverse impact not only on the infrastructure of those countries, but also on their environmental and ecological conditions. She therefore welcomed the implementation by UNHCR of integrated environmental projects in refugee settlement areas, of which Ethiopia was among the beneficiaries. Voluntary repatriation, widely regarded as the most viable solution to the problem of refugees, succeeded only when returnees were provided with adequate assistance in their countries of origin.

36. Currently, Ethiopia was host to more than a quarter of a million refugees from neighbouring countries, the bulk of them from Somalia. With the gradual restoration of peace and stability in the north-western part of that country, some 20,000 Somalis had been repatriated in 1997 under a pilot project. UNHCR planned to repatriate a further 60,000 in 1998. The second largest group of refugees, some 65,000, came from the Sudan. A number of them had been resettled locally with UNHCR assistance. Since 1991, some 1.2 million Ethiopian refugees had returned home from neighbouring countries. Additional resources were needed to supplement the contributions of individual donor countries in support of her Government's efforts and those of UNHCR to rehabilitate the Ethiopian returnees and provide assistance to the large number of refugees who remained in the country.

37. Her Government's considerable successes in tackling the problems of refugees and returnees had been undermined by the outbreak of hostilities in the northern part of the country on 12 May 1998. The occupation of that area by Eritrean forces had caused the displacement of approximately 300,000 people, while 30,000 Ethiopians had been expelled from Eritrea. Given the scale of the problem, the support of the international community was urgently required. There was also a need for continued coordination among United Nations agencies, including UNHCR, UNDP and the United Nations Children's Fund (UNICEF), which were assisting the growing number of Ethiopians displaced by the conflict.

38. **Mr. Pederson** (Observer for the International Federation of Red Cross and Red Crescent Societies (IFRC)) said that the humanitarian arena had expanded significantly in recent years in both scope and complexity. Currently, conflicts were primarily internal, rendering the application of international norms more problematic, and any peace that was eventually secured tended to be more fragile. The work of UNHCR and other actors involved in providing assistance to refugees and displaced persons had become more difficult, particularly since the populations in need of protection sometimes included both the perpetrators of violence and their victims. It was vital in such circumstances that humanitarian personnel should remain impartial.

39. For the past six years IFRC had been working in the former Yugoslavia with UNHCR to support the largest refugee population in Europe, currently numbering more than half a million people. The needs of those people had, however, been eclipsed as the international community's focus had shifted to the suffering of ethnic Albanians displaced by the conflict in Kosovo. It was vital that assistance should continue to be provided to all groups of refugees in the former Yugoslavia on the basis of human need and in accordance with the principle of impartiality. However, the plight of refugees in Africa and elsewhere must not be forgotten.

40. The recent adoption by the Executive Committee of the High Commissioner's Programme of "International solidarity and burden-sharing" as the theme for 1998 had been most timely. A broad range of issues should be considered, including advocacy for protection, provision of assistance, prevention, and measures to address the root causes of population displacement. While the entire international community had a role to play, it must be recalled that the primary responsibility for ensuring the protection of refugees and respect for their human rights lay with Governments. It was also necessary to address the specific needs of returnees through post-conflict confidence-building measures and economic support. In that connection, he welcomed the High Commissioner's efforts to promote dialogue and collaboration between the relevant United Nations bodies and the World Bank with a view to bridging the gap between humanitarian relief and development assistance. IFRC was involved in a growing number of rehabilitation and development programmes and made an important contribution in that area.

41. The members of the 175 national Red Cross and Red Crescent Societies comprising the International Federation worked actively in the field. IFRC was therefore concerned at the erosion of respect for international humanitarian law and the resultant risks to the safety of aid workers. He called upon States to reaffirm their commitment to the relevant international instruments and the guiding principles of the

Code of Conduct in Disaster Relief for the Red Cross and Red Crescent Movement and Non-Governmental Organizations. However, it was equally important that Governments should seek durable solutions to the underlying causes of emergency situations.

42. **Ms. Gligorova** (The former Yugoslav Republic of Macedonia) said that, despite the slight decrease in their overall number, refugees could still be found in every part of the world. Improving the speed and effectiveness of international humanitarian assistance must be a priority of the United Nations and the international community as a whole. To achieve that goal, enhanced planning and coordination were essential. UNHCR activities should be part of an integrated strategy involving Governments, non-governmental organizations and other humanitarian and development agencies. Special emphasis must be placed on the prevention of conflicts, which were the main cause of population displacements. Her delegation welcomed the development of early-warning systems and the exercise of preventive diplomacy to keep military situations from escalating. Recent events in the Democratic Republic of the Congo and in Kosovo had shown that new and innovative approaches were needed.

43. The preferred solution for refugees was voluntary repatriation or, where that was not possible, integration in countries of asylum or third-country resettlement. Whatever option was chosen, the basic human rights of refugees must be respected and the provisions of the relevant international instruments observed. Support must be provided to facilitate the rehabilitation of those who returned to their country of origin, as well as development assistance to rebuild devastated areas.

44. Her delegation commended the work of UNHCR and supported the efforts of the High Commissioner to implement institutional reform.

45. **Ms. Di Felice** (Venezuela) said there was a need for a comprehensive approach based on responsibility and international solidarity in dealing with all phases of the problem of refugees. In the process of repatriation and reintegration, the protection of refugees and the search for lasting solutions were matters of common concern which involved States, international organizations and non-governmental organizations; they were not the sole responsibility of the States that were directly involved.

46. Humanitarian assistance could not replace political solutions. If the interest in helping to reduce the number of refugees and displaced persons was genuine, the first task in achieving that goal should be to ascertain the causes of conflicts, an effort which must involve the international community as a whole as it implemented preventive measures to impede massive refugee flows. Her Government supported the efforts of UNHCR to continue to develop and strengthen its capacity for emergency preparedness and response and to coordinate its activities with other operational bodies.

47. **Mr. Margabandu** (India) said that attempts were increasingly being made to shift the focus of the refugee agenda from finding durable solutions to long-standing refugee situations towards reducing flows of non-refugees into the more prosperous parts of the world. After an initial diversion of aid from long-term development to humanitarian emergencies, resources for humanitarian activities were also on the decline. His delegation firmly believed that the key to improving the international refugee regime lay in rededication by the international community to the principles of international solidarity and burden-sharing. Currently, neither the duty to receive refugees nor the real costs associated with their arrival were fairly apportioned throughout the world.

48. A large number of developing countries desperately struggling to provide their own citizens with the basic necessities of life found themselves crippled by the enormous burden resulting from mass refugee inflows. There was a need for equitable and consistent responses to all refugee situations in all parts of the world. The international community must recognize the enormous contribution made by developing countries and move their concerns to the top of the refugee agenda. It was essential that the economic and social impact of massive refugee populations on host developing countries should be assessed and minimized. UNHCR must play a leading role in that regard, and his delegation welcomed the Commissioner's call for more help to countries hosting large numbers of refugees.

49. Ways also had to be found to address the needs of the societies that produced the vast majority of refugees through assistance to returnees and the countries of origin. UNHCR had a critical role to play in returnee reintegration activities. While that work was not part of the Commissioner's mandate, at a time when development assistance had shrunk to a historic low, even the limited contribution that UNHCR could make to reintegration might prove valuable.

50. Meeting the economic needs of refugees by providing food and shelter was as important as protecting their lives and ensuring them asylum. In order to strengthen the international refugee regime, all States should rededicate themselves to protecting the human rights of refugees and asylum-seekers. At the current time, restrictive practices were sweeping across the most prosperous parts of the

world, and traditional generosity and openness were being replaced by partial solutions and diminished regard for the welfare of refugees. Building walls to shut out refugees and asylum-seekers was not the right solution.

51. Despite all the difficulties confronting developing countries in their attempts to meet the basic needs of their own people, the large majority of them had not shut their doors to those seeking refuge. Their faith in humanitarianism and the principles of refugee protection should not be undermined by efforts to erode those principles in other parts of the world. He commended the High Commissioner and her staff for the achievements of the past year and pledged his country's full support for the Office's continued humanitarian efforts.

52. **Ms. Samah** (Algeria) said that as the conflicts that uprooted people had multiplied, the problem of refugees was no longer confined to a single continent, as it had been when UNHCR had been created. Nationalist, ethnic or tribal violence, underdevelopment and the attendant poverty, natural disasters — all fuelled the worldwide problem. The Office had had to adapt to keep pace over the past 50 years with each new challenge. The international community now had the enormous responsibility not only of finding adequate responses to the critical situation of refugees but also of attacking the root causes by finding ways to surmount the hostilities that produced refugees.

53. In 1997, UNHCR had had an estimated 21 million persons in its charge, 12 million of them refugees, a welcome decline in numbers over the previous years. Nevertheless, those uprooted populations were living in precarious and sometimes intolerable conditions, mainly in the developing countries, especially those in Africa, which could host and assist refugees only within the limits of their scant resources. The assessments of humanitarian assistance needs had thus necessarily been calculated only in terms of ensuring basic survival. UNHCR had established a broad programme of activities encompassing prevention, international protection, the search for durable solutions, emergency measures and the development of inter-agency partnerships in response to the increasingly large and varied demand. The Office alone, however, could not deal with the problem, especially in view of its shrinking resources. Her delegation appealed to the international community to show solidarity and provide multifaceted contributions to enable the Office to fulfil its mandate.

54. The Algerian people had always offered hospitality and solidarity when the occasion had arisen, as in the case of displaced persons from neighbouring countries and refugees from Western Sahara. It was pleased to have completed its voluntary repatriation programme for displaced persons from northern Mali and the Niger, having paved the way by prior resettlement arrangements with the assistance of the other countries concerned, UNHCR and the International Fund for Agricultural Development (IFAD). It would continue to assist the Saharan refugees until there was a just and final settlement of the conflict in Western Sahara, in the hope that UNHCR would fulfil the role assigned to it under the United Nations settlement plan and the implementation agreements.

55. In a century of such prodigious scientific and technical advances, the international community had a duty to wrestle seriously with the problem of refugees so that they could enter the millennium with greater dignity in more human conditions.

56. **Mr. Teckle** (Eritrea), speaking in exercise of the right of reply, said that his delegation noted with satisfaction that the representative of the Sudan had referred to the arrangements being made by the Eritrean Government with UNHCR to deal with the problems related to Eritrean refugees in the Sudan. The Eritrean Government would continue to respect its international commitments in that regard and was doing its best to expedite the return of Eritreans as quickly as possible.

57. However, his delegation had to take serious exception to the accusation by the representative of Ethiopia that Eritrea had expelled 30,000 Ethiopians. The United Nations agencies involved had verified that Eritrea had not expelled anyone. Any Ethiopians who had left Eritrea had done so of their own free will and with the knowledge and assistance of the International Committee of the Red Cross (ICRC). The United Nations had estimated that 160,000 persons had been displaced as a result of Ethiopia's invasion of Eritrea in June 1998. The subsequent incessant bombardment of Eritrean villages was increasing their numbers by the day.

58. **Mr. Zahid** (Morocco), speaking in exercise of the right of reply, said his delegation regretted that the representative of Algeria had found it necessary to raise the so-called question of the "Saharan refugees", persons who had been abducted by force and held against their will in Algerian camps. In Morocco's southern provinces, the area of the Western Sahara, all the necessary conditions had been established for the return of the persons held in those camps, who should be released and allowed to participate in the social and economic development of their region. During the recent visit by the Secretary-General to Morocco, press reports had referred to the fact that tens of thousands of Saharans had expressed their attachment to Morocco. That

proved that Saharans who wished to do so could return without any fear of persecution.

59. **Ms. Sinegiorgis** (Ethiopia), speaking in exercise of the right of reply, said that the representative of Eritrea had attempted once again to portray his country as a victim of aggression. Ethiopia had not bombed any Eritrean villages. It had taken retaliatory measures against military installations at Asmara airport. In her statement on the agenda item under consideration she had briefly referred to the hundreds of thousands of persons who had been displaced by the war of aggression waged against Ethiopia by the Eritrean regime since May 1998. With regard to the assertion by the representative of Eritrea concerning the internal displacement of Eritreans, she pointed out that the Eritrean Government alone bore full responsibility for the suffering of its own people and the people of Ethiopia.

60. **Mr. Mesdoua** (Algeria), speaking in exercise of the right of reply, said that the representative of Morocco had referred to the so-called abduction of Saharan refugees. That absurd claim was not new. At the very beginning of the conflict in Western Sahara, Saharans — mainly women, children and the elderly — had fled the fighting in order to find peaceful asylum. Those who had found refuge in Algeria were an integral part of the Saharan population, whose right to self-determination must be implemented. Algeria was well aware of its responsibilities with regard to those refugees and was committed to efforts to lessen their suffering and enable them to exercise their right to self-determination and return to their homes.

61. **Mr. Teckle** (Eritrea), speaking in exercise of the right of reply, said that Ethiopia had carried out attacks against Eritrean villages the previous week. Prior to that, on 30 October 1998, the Associated Press had reported on Ethiopian attacks against Eritrean villages that had destroyed recently harvested crops.

62. **Mr. Zahid** (Morocco), speaking in exercise of the right of reply, said that at the beginning of the conflict in the Western Sahara, most of the Saharan refugees had fled north to Morocco. In addition, the Frente POLISARIO leaders who had fled the hellish conditions in Algerian camps had also come to Morocco. Algeria was well aware of that. The Saharan refugees being held in Algeria should be allowed to express themselves without the threat of military and police bayonets.

63. **Mr. Mesdoua** (Algeria), speaking in exercise of the right of reply, said that his country would continue its efforts based on solidarity with the Saharan people and would provide them with humanitarian assistance in conjunction with UNHCR and other organizations until a just and lasting settlement of the conflict in Western Sahara was achieved. He hoped that the Office would be able to play its role under the agreements concluded by Morocco and the Frente POLISARIO so that they could be implemented as speedily as possible.

64. **Mr. Asomani** (Office of the United Nations High Commissioner for Refugees (UNHCR)) expressed satisfaction that delegations shared the Office's concern about the safety and security of humanitarian personnel; he hoped that further legal measures would be initiated to ensure the equal application of the Convention on the Safety of United Nations and Associated Personnel to all humanitarian staff. The contributions announced to the Trust Fund for Security were encouraging. UNHCR was taking initiatives to improve security for its staff. The High Commissioner was particularly grateful for the Committee's strong support for the protection role of UNHCR, calls to uphold the institution of asylum, the principle of non-refoulement and the right to return as well as the support for the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto and regional instruments.

65. At the same time, UNHCR was concerned at the erosion of respect for human rights in some situations and shared the concern that asylum abuse and restrictionist policies might undermine some of those basic principles. The Office fully concurred with the view that, while voluntary repatriation was the preferred solution, return could take place only when conditions allowed refugees to return in safety and dignity. He appreciated the offers by some delegations to increase their resettlement quotas, since resettlement was important for protection, particularly for vulnerable groups. Many delegations had noted the challenge posed by the security and neutrality of refugee camps. Security in the camps must encompass both that of refugees and humanitarian staff. Regional bodies and mechanisms could be very useful in addressing that problem. UNHCR had developed, together with the Department of Peacekeeping Operations, a set of proposals based on a range of options. He hoped that the Security Council could help turn those options into concrete mechanisms. In the meantime, the Office had taken many initiatives, including training activities within the camps and the hiring of additional security personnel, to enhance security in refugee camps in different parts of the world. Solving that problem, however, would require political will and assistance from the international community.

66. He welcomed the comments that UNHCR could play a catalytic role in bridging the post-conflict reconstruction gap. In that connection, he stressed the need for comprehensive approaches to deal with post-conflict

situations and for a concerted effort by all in a spirit of international solidarity and burden-sharing. The Office was already working with the World Bank and development agencies to move ahead on that issue.

67. Many delegations had indicated strong support for the concept of international solidarity and recognized that burden-sharing was necessary to address the challenge of post-conflict reconstruction. The Office agreed with the view that international solidarity and burden-sharing could not be a precondition for respecting human rights principles, the institution of asylum or the principle of non-refoulement. On that basis, UNHCR was committed to promoting solidarity and burden-sharing through its work with Member States, regional organizations, other agencies and non-governmental organizations.

68. It was gratifying to note that delegations agreed that the Office could not carry out its mandate without sufficient resources. UNHCR would do its best to use its resources effectively in a manner reflecting accountability and transparency. In turn, the Office counted on the support of Member States in that regard.

The meeting rose at 5.45 p.m.

United Nations A/C.3/53/SR.46

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Summary record of the 46th meeting
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Chairman: Mr. Carranza (Vice-Chairman) ..... (Guatemala)

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98-82361 (E)

In the absence of Mr. Hachani (Tunisia), Mr. Carranza (Guatemala), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

The meeting was suspended at 3.20 p.m. and resumed at 3.40 p.m.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.30 and L.31)

Draft resolution A/C.3/53/L.30: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

1. **Mr. Chomar** (Mozambique), introducing draft resolution A/C.3/53/L.30, said that his country, which was sponsoring the draft, had acquired considerable experience in dealing with the problems of refugees and displaced persons and had developed mechanisms for providing them with assistance. Accordingly, Mozambique could make a significant contribution to the work of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.31: Assistance to unaccompanied refugee minors

2. **Ms. Ibrahim** (Sudan) introduced draft resolution A/C.3/53/L.31 on behalf of the original sponsors and Côte d'Ivoire, Ethiopia, Guinea-Bissau, the Islamic Republic of Iran, the Niger, Nigeria and Turkey. The draft resolution drew attention to the plight of one of the world's most vulnerable groups, and set forth a number of measures to protect and assist them, calling upon the international community to assume its responsibility in that regard. Since the draft resolution was similar to those adopted in recent years, the sponsors hoped that it would be adopted by consensus once again.

Agenda item 110: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/53/L.21)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.33)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.34)

Draft resolution A/C.3/53/L.21: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

3. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.21, which contained no programme budget implications.

4. **Ms. Monroy** (Mexico) said that Egypt, Ethiopia and Yemen had joined the sponsors.

5. *Draft resolution A/C.3/53/L.21 was adopted.*

Draft resolution A/C.3/53/L.33: Human rights and unilateral coercive measures

6. **Mr. Mofokeng** (South Africa) introduced draft resolution A/C.3/53/L.33 on behalf of the sponsors and said that China should have been listed as an original sponsor. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.34: Situation of human rights in Iraq

7. **Ms. Rierderer** (Austria), introducing draft resolution A/C.3/53/L.34 on behalf of the States members of the European Union and the other sponsors, said that the findings contained in the report of the Special Rapporteur on the situation of human rights in Iraq (A/53/433) were cause for serious concern. The situation remained grave and showed no sign of improvement. The draft resolution called upon Iraq to abide by its international human rights obligations and to respect the rights of all individuals. The sponsors remained particularly concerned about the summary and arbitrary executions, enforced or involuntary disappearances, arbitrary arrests and detention and widespread use of the death penalty. The draft resolution called upon the Government of Iraq to take a number of steps to improve the human rights situation in that country and cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur. The European Union would work to continue to ensure more effective implementation of the oil-for-food programme and full Iraqi cooperation in preventing any unnecessary suffering. She hoped that the draft resolution would be given the broadest support.

Agenda item 106: Promotion and protection of the rights of children (*continued*) (A/C.3/53/L.14/Rev.1)

Draft resolution A/C.3/53/L.14/Rev.1: The rights of the child

8. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.14/Rev.1, which contained no programme budget implications.

9. **Ms. Smolcic** (Uruguay) said, on behalf of the sponsors, that the draft resolution had been revised in a number of places, and she proceeded to read out a number of minor drafting changes.

10. The sponsors of the draft resolution had been joined by Botswana, Bhutan, the Central African Republic, Eritrea, Georgia, Guinea, India, Kenya, Lesotho, Liberia, Mali, Poland, The former Yugoslav Republic of Macedonia and the United Republic of Tanzania.

11. **The Chairman** announced that Equatorial Guinea, Madagascar, Senegal and Sierra Leone had also joined the sponsors.

12. He said he took it that the Committee wished to adopt the revised draft resolution without a vote.

13. *It was so decided.*

14. **Mr. Londono** (United States of America), speaking in explanation of position, said that the United States had joined the consensus on the revised draft resolution because of the importance it attached to protecting and enhancing the rights of all children throughout the world. He wished, however, to address section IV, which concerned protection of children affected by armed conflict. As the Special Representative had noted in his report (A/53/482), it was essential to implement the many norms that already existed to prevent further abuse of children in conflict situations. His delegation endorsed that sentiment and believed that more emphasis should be given to meeting existing standards, even while efforts to raise those standards continued.

15. In that context, his delegation noted the efforts of the working group on a draft optional protocol related to the involvement of children in armed conflict to achieve a new standard. Until such a new standard was achieved, the phrase "the use of children as soldiers" must be interpreted in the context of general international law and under article 77 of Additional Protocol I of 1977 to the Geneva Conventions of 1949 and under article 38 of the Convention of the Rights of the Child.

16. It was unfortunate that the agreed text lacked full clarity on that point. Consensus had been possible by virtue of the fact that paragraph 9 of section IV established the overall context for that section of the draft resolution by reaffirming existing international standards contained in the 1949 Geneva Conventions and the 1977 additional protocols thereto.

17. Concerning reservations to international conventions, the United States continued to support the language used in the resolutions of the Commission on Human Rights of the past several years and in General Assembly resolution 52/107. The Vienna Convention on the Law of Treaties and the Convention on the Rights of the Child both allowed for reservations provided they were compatible with the object and purpose of the treaty concerned.

18. Paragraph 8 of section VI called for eliminating all forms of child labour that were contrary to accepted international standards, while paragraph 5 called for the elimination of all forms of exploitative child labour. Under international law, States had an obligation to eliminate exploitative forms of child labour; that did not cover all forms of child labour. Rather, the "child labour" of concern in the current context was generally employment that prevented effective school attendance and was often performed under conditions hazardous to the physical and mental health of the child.

19. With respect to the question of sanctions raised in paragraph 23 in section IV, the United States believed that sanctions were a valid foreign policy option when directed at Governments in an effort to urge compliance with international norms and standards. In that context, sanctions were often applied to urge the promotion of and respect for human rights. In countries where the abuse of human rights extended to the abuse of children, sanctions were in effect wielded on their behalf. They were not aimed at children. In fact, sanctions regimes generally permitted the provision of humanitarian assistance of which children were most often the beneficiaries.

20. The United States also noted that the language of paragraph 23 was not consistent with applicable international law. His delegation believed that the draft resolution should have used the language on sanctions agreed to at the December 1995 meeting of the International Committee of the Red Cross in Geneva.

21. **Ms. Ramirez** (Costa Rica) welcomed the adoption of the revised draft resolution. She wished, however, to remind States parties to the Convention of the amendment to the Convention sponsored by Costa Rica. She appealed to those States which had not yet responded to the Secretary-General's request to do so positively. That response was also indispensable in order to give effect to the changes called for in paragraph 12 of the draft resolution.

22. **Mr. Ma Young-an** (Republic of Korea) said his delegation believed that the draft resolution would serve as a comprehensive framework for the rights of children. It had been unable, however, to support paragraph 19 of section IV, concerning anti-personnel mines. Without that clause, the Republic of Korea would have joined the sponsors.

23. **Ms. Pang** (Singapore) said that her delegation had reservations concerning paragraph 11 of section I, in view of the fact that the Vienna Convention on the Law of Treaties drew a distinction between reservations compatible with and those not compatible with the object and purpose of the treaty in question. It had therefore been unable to support that paragraph.

24. **Ms. De Armas** (Cuba) welcomed the support given to the draft resolution and thanked the representative of Uruguay for her efforts in its behalf.

25. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/53/281).

26. *It was so decided.*

Agenda item 108: Elimination of racism and racial discrimination (*continued*)

Draft resolution A/C.3/53/L.24: Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

27. **Ms. Newell** (Secretary of the Committee) said that the requests made in paragraphs 21 and 22 of the draft resolution were at variance with the established procedures for administrative and budgetary matters. She drew attention to General Assembly resolution 45/248, part B, section VI, which reaffirmed the role of the Fifth Committee as well as the role of the Advisory Committee on Administrative and Budgetary Questions, expressed the General Assembly's concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters, and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for such matters.

28. She pointed out also that the question of the allocation of resources must be considered in the context of the Secretary-General's report on the proposed budget outline for the biennium 2000–2001 (A/53/220) and that the Fifth Committee would shortly adopt recommendations with regard to the proposed budget outlined there.

29. **The Chairman** said that, in addition to the sponsors listed, Finland, France, Italy, Japan, Portugal, Malta, Spain and the United Kingdom had been announced as sponsors.

30. **Ms. Newell** (Secretary of the Committee) pointed out that the draft resolution had been orally revised by the representative of Indonesia on behalf of the sponsors so that the beginning of paragraph 8 now read: "*Urges* States to limit the extent of any reservation they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination, to formulate any reservation as precisely and narrowly as possible ...".

31. Paragraph 14 had also been orally revised so that the clause following the word "recommendations" had been replaced by the words "for responsible use of the Internet".

32. **Mr. Fachir** (Indonesia) added that Australia, Austria, Canada, Germany, Greece and Ireland had joined the list of sponsors of the draft resolution. He reminded the Committee that the members of the Group of 77 were also sponsors.

33. **The Chairman** said that Croatia, Israel and The former Yugoslav Republic of Macedonia had also joined the sponsors.

34. He said he took it that the Committee wished to adopt the draft resolution as orally revised without a vote.

35. *It was so decided.*

36. **Ms. Clifford** (United States of America), speaking in explanation of position, said that the United States had joined the consensus on draft resolution A/C.3/53/L.24 but continued to support the language used in the resolutions of the Commission on Human Rights in the past several years and also in the Vienna Declaration and Programme of Action, both of which allowed for reservations to treaties provided they were compatible with the object and purpose of the relevant treaty.

Draft resolution A/C.3/53/L.25: Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

37. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.25, which contained no programme budget implications.

38. **Mr. Fachir** (Indonesia), speaking on behalf of the sponsors, said that the word "also" had been inserted before the word "contribute" in the seventh preambular paragraph. The sponsors had been joined by Austria, Denmark, Ireland and the Netherlands.

39. **The Chairman** said that Croatia, Israel, San Marino and The former Yugoslav Republic of Macedonia also wished to sponsor the draft resolution.

40. *Draft resolution A/C.3/53/L.25, as orally revised, was adopted.*

The meeting rose at 4.50 p.m.